Before the
FEDERAL COMMUNICATIONS COMMISSSION
Washington, DC

In the matter of:	)	
	)	
Delete, Delete, Delete	)	GN Docket No. 25-133
	)	

To: The Commission

COMMENTS OF TRINITY BROADCASTING NETWORK

Trinity Broadcasting Network ("TBN") hereby files these comments in response to the Public Notice released by the Commission on March 12, 2025, requesting comment on identifying FCC rules for the purpose of alleviating unnecessary regulatory burdens.

TBN is the largest and most widely watched religious television broadcaster in the United States, serving more than 100 million homes across the country. TBN operates 35 broadcast television stations and delivers content to over 600 cable systems. TBN fully supports the Commission's efforts to alleviate unnecessary regulatory burdens on broadcasters. Specifically, TBN encourages the Commission to examine and eliminate the regulatory burdens associated with the following rules:

- National Audience Cap Rule (47 C.F.R. §73.3555(e))
- TV Duopoly Rule (47 C.F.R. §73.3555(b))
- ATSC 3.0 Transition Rules (47 C.F.R. §73.3801 and 47 C.F.R. §73.6029)
- Children's Programming Rules and Reporting Obligations (47 C.F.R. §73.671-673 and 47 C.F.R. § 73.3526(e)(11)(iii))
- EEO Rules (47 C.F.R. §73.2080)
- Online Public Inspection File Rules (47 C.F.R. §73.3526-3527)

TBN believes that the foregoing rules impose excessive regulatory burdens on broadcasters while providing little or no countervailing benefit to the public, the government, or the broadcast industry. Broadcasters operate in a competitive ecosystem with countless forms of media that are not subject

to this burdensome regulatory regime. Eliminating unnecessary rules such as these will put broadcasters on a more equal footing with these non-regulated media sources.

A. The National Audience Cap Rule (47 C.F.R. §73.3555(e)) Should Be Eliminated.

The national audience cap limits a single entity's ownership of television stations which provide for an aggregate national audience reach of more than 39% after application of the 50% "UHF Discount." The cap was established with the goal of promoting localism and competition within the broadcast industry. The national audience cap was created when television viewers had limited media options. In contrast, today's viewers have access to an endless array of video programming through streaming platforms, cable and satellite, none of which are subject to an audience cap – all of which can cover 100% of the United States, and even international markets in some instances. The proliferation of alternative media has vastly changed how audiences consume video programming and has resulted in a reduction in broadcast television audiences.

The national audience cap is no longer relevant in this new media environment. Eliminating the national audience cap would provide economic efficiencies and allow broadcast television companies to invest in more programming options. A more competitive market is likely to lead to better news coverage and more diverse programming, an outcome that is in the public interest and consistent with the Commission's longstanding emphasis on localism. Eliminating the national audience cap would allow companies such as TBN to acquire more stations, create greater economies of scale, foster innovation, and further serve the public interest.

B. The TV Duopoly Rule (47 C.F.R. §73.3555(b)) Should Be Eliminated.

The TV Duopoly rule (§73.3555(b)) prohibits common ownership of two full-service TV stations in a DMA unless (i) the contours (NLSC) do not overlap, (ii) at least one station is not among the top 4 rated stations in the DMA (including all rated digital subchannels), or (iii) the FCC finds that the combination would serve the public interest. Note 11 to the rule further prohibits the

acquisition of a programming stream rated in the top 4 in the market (typically a Big 4 affiliation) to be aired on a digital subchannel where the effect would be to consolidate two top 4 programming streams on a single station.

Since the enactment of the TV Duopoly rule, the television industry has evolved significantly due to technological advances that have vastly changed the way viewers access programming content. Viewers now have access to streaming services like YouTube, Netflix, Hulu, Amazon Prime and other digital platforms. Over-the-air broadcast television stations no longer control the market for news and information. Moreover, studies show that internet ad revenues have exceeded broadcast television revenues for several years.[1]

The TV Duopoly rule was adopted during a time when ABC, CBS, Fox and NBC dominated programming selection. Retaining the rule fails to (i) account for the vast diversity of programming now available; (ii) acknowledge that the media market is more fragmented and diverse; or (ii) acknowledge that the risk of anticompetitive control over content is no longer a concern. Viewers can now access a huge variety of content through other means, including localized content through local and regional news sites. Eliminating the TV Duopoly rule would provide access to greater financial resources, allow broadcasters to compete more effectively, invest in higher-quality content, and provide enhanced services for local markets.

C. The ATSC 3.0 Transition Rules (47 C.F.R. §73.3801 and 47 C.F.R. §73.6029) Should Be Modified to Eliminate the Simulcast Requirement.

The ATSC 3.0 (NextGen TV) transition rules (47 C.F.R. §73.3801 for full power stations and 47 C.F.R. §73.6029 for Class A stations) require broadcasters who wish to adopt ATSC 3.0 technology to simulcast their primary signal in the current ATSC 1.0 format on a different station. This "dual illumination" requirement is a significant financial roadblock to conversion to ATSC 3.0.

[1] Interactive Advertising Bureau/PwC, *Internet Advertising Revenue Report: Full-year 2023*.

It is a monetary drain and a severe operational challenge to be required to provide both ATSC 1.0 and 3.0 signals because the broadcaster must find another station in the market with which to either lease or swap spectrum. In adopting the ATSC 3.0 simulcasting requirement, the FCC underestimated the challenges of making such arrangements.

TBN believes that any potential service disruptions to the public resulting from elimination of the ATSC 1.0 simulcast requirement could be minimized by robust viewer education campaigns, including information on how to obtain converters. Allowing broadcasters to expedite conversion to the ATSC 3.0 format only would enable broadcasters to offer enhanced public service through new technologies, including broadcast positioning system ("BPS") and other next generation emergency event tools, which will provide support to first responders, critical infrastructure, utilities, and the public that cannot be accomplished with cellular in catastrophic events.

The rules should be amended to allow stations to "flash cut" to ATSC 3.0 without having to simulcast programming in ATSC 1.0 on a lighthouse station. Unlike so many other technologies which are allowed to move at the speed of user adoption, broadcasters are tethered by unnecessary government regulations such as the ATSC 1.0 simulcast rule.

D. The Children's Programming Rules and Reporting Obligations (47 C.F.R. §73. 671-673 and 47 C.F.R. § 73.3526(e)(11)(iii)) are Anachronistic and Should Be Modified.

The Children's Television Act ("CTA") was passed by Congress in 1990 to increase the amount of educational and information programming for children on television. The CTA requires broadcast television stations to serve the educational and informational needs of children through their overall programming, including specifically designed "core programming." The FCC adopted rules to enforce the CTA in the 1990s and later modified the rules in 2019 to provide television stations with more flexibility in meeting the CTA requirements.

The children's programming rules (collectively, the "Children's Television Rules") subject television broadcast stations to four main requirements – (i) a statutory limit on the amount of commercials in children's television programming (47 C.F.R. §73.670); (ii) a requirement to air a set amount of educational and informational programming for children (47 C.F.R. §73.671); (iii) a requirement to provide information on children's programming to publishers of program guides (47 C.F.R. §73.673); and (iv) a requirement that commercial television stations file an annual Children's Television Programming Report on FCC Form 2100 Schedule H (the "Children's Television Programming Report") (47 C.F.R. § 73.3526(e)(11)(iii)) [2].

The obligation to file the annual Children's Television Programming Report places an unnecessary and costly regulatory burden on broadcasters, especially smaller stations that may struggle to meet this mandate. The annual Children's Television Programming Report form requires a calculation of the exact number of hours per quarter that each responsive program airs on the main program stream and each multicast stream. The hours calculation must be adjusted to account for preemptions and then a separate portion of the form must be completed for every single preemption, including the exact reason for each preemption. For a station with extensive programming offerings and multiple multicast streams, the form can take hundreds of hours to prepare.

The Children's Television Programming Report does not appear to serve any informational or public interest purpose. In fact, the noncommercial station exemption is a strong indication that the FCC understands that filing the form is not the crucial factor in evaluating station operations and service to the public. Instead, especially in the context of a non-profit licensee of a commercial

---

[2] TBN notes that the obligation to file the Children's Television Programming Report only applies to commercial channels, while noncommercial channels are exempt. TBN operates six noncommercial channels (WTCE-TV, Fort Pierce, FL (FIN 29715), WJEB-TV, Jacksonville, FL (FIN 29719), KLUJ-TV, Harlingen, TX (FIN 12913), KITU(TV), Beaumont, TX (FIN 12896), KHCE-TV, San Antonio, TX (FIN 27300) and KETH-TV, Houston, TX (FIN 12895).

channel, the regulation demonstrates a double-standard. All stations have the responsibility to serve the public interest. The noncommercial channel exemption demonstrates that filing the form is not necessary in making that determination. The requirement to file the report is unnecessary and should be deleted. Elimination of the obligation to file the report would allow broadcasters to better respond to the needs of their audiences, rather than focusing on completing paperwork. The FCC could instead rely on a licensee certification of compliance with the processing guidelines contained in the Commission's rules (47 CFR §73.671(d)) on the license renewal application in satisfaction of Section 303(a) of the CTA.

The separate requirement to provide information on children's programming to publishers of program guides (47 C.F.R. §73.673) also should be eliminated. The use of published program guides has declined with the rise of digital TV listings and streaming services. Most viewers rely on real-time TV schedules provided by their cable or satellite provider or online resources.

E. The Equal Employment Opportunities (EEO) Rule (47 C.F.R. §73.2080) Should Be Eliminated.

The FCC's EEO rules require broadcast stations to conduct broad outreach and recruitment for all full-time positions, undertake specified EEO-related recruitment initiatives, retain records regarding compliance with such requirements, create an EEO report every year and place the report in the online public inspection file ("OPIF"), and file periodic EEO program reports. FCC staff conduct random audits of broadcast stations regarding EEO compliance and review broadcast stations for compliance every four years after grant or renewal of a station's FCC license. The FCC also recently reinstated the requirement for broadcast stations to file Form 395-B, an annual report on the race, ethnicity and gender of its workforce, a requirement to date which has been suspended.

The FCC's EEO rules should be eliminated. State and federal governments already have divisions, laws and regulations applicable to employers that are specifically designed to protect

against discrimination. EEO requirements are part of a broader framework of federal and state labor laws which apply to all industries, including broadcasting, ensuring equal opportunity in employment. Placing separate and additional EEO requirements solely on broadcasters is simply not necessary. Existing anti-discrimination laws ensure that broadcasters continue to promote diversity and opportunity on their own terms, without the need for outdated government mandates.

The FCC's EEO rules impose significant administrative burdens on broadcast stations while providing little to no countervailing benefit. The required broad outreach and recruitment do not result in an increase in qualified candidates, especially for smaller stations and in rural areas, and are relics of the pre-internet age before job seekers had instant access to (and the ability to apply online for) open positions online. Required supplemental recruitment initiatives, such as job fairs and training seminars, can be costly to organize and attend, and have limited benefits. The record-keeping obligations and EEO report drafting are time-consuming and can require costly legal review. There is no evidence that members of the public regularly access or review the Annual EEO Public File Reports in a station's OPIF or elsewhere. The FCC's random audits of stations' EEO programs are extremely time-consuming and expensive. In sum, the operational costs to comply with the FCC's EEO rules are significant, and the benefits are questionable at best.

As noted above, the media industry has been massively transformed with the rise of digital media, streaming services, and social media platforms. Television broadcasters are now competing with countless media outlets that are not burdened by duplicative government regulations such as the FCC's EEO rules. By removing these rules, the FCC would achieve its goal of reducing unnecessary regulations.

F. The Local Public Inspection File Rules for Commercial and Noncommercial Stations (47 C.F.R. §73.3526 and 47 C.F.R. §73.3527) Should Be Eliminated.

The local public inspection file rules for commercial stations (47 C.F.R. §73.3526) and noncommercial stations (47 C.F.R. §73.3527) require all full-service TV and radio stations, and Class A TV stations, to maintain a public inspection file. The file was originally housed as a physical file at a station's main studio in its community. The transition to an online public inspection file ("OPIF") that is housed on the FCC's website started in 2012 and was completed in 2016. The original purpose of the public file rule was to ensure that the public could easily access information about broadcast stations, such as political files, license renewal applications, and other regulatory records.

The OPIF contains eight different sections – (i) station information; (ii) applications and related materials; (iii) ownership reports; (iv) equal employment opportunity records; (v) contour maps; (vi) political files; (vii) children's TV programming reports; and (viii) more public inspection files. The information in many of these sections is automatically linked by the FCC from other FCC filing databases. For example, a station is generally not required to upload station information, applications, ownership reports, contour maps and children's television reports. In this regard, the public file information is duplicative of FCC filings that are available elsewhere on the FCC website. Public file information in certain other sections of the file, such as EEO Public File Reports, political files, issues/programs lists and other documentation found under the elusive "more public inspection files" section, must be uploaded by station personnel. The process of preparing and uploading this documentation is extremely time-consuming and onerous.

Compliance with the public file rule requiring issues/programs lists to be placed in OPIF on a quarterly basis is very costly and provides no real benefit to the public. TBN stations air hours of informational, religious, and interview programming every day that are responsive to ascertained

concerns. The lists can be quite lengthy, but as far as TBN knows are rarely read or accessed by the public. Other public file requirements, such as Class A Continuing Eligibility Certifications and Records Concerning Commercial Limits in Children's Programs, are formulaic certifications that provide no helpful information to the public.

Maintaining the OPIF is both burdensome and costly. Stations must dedicate significant time and resources to ensure that the file is up-to-date and compliant with FCC regulations. This includes uploading, tracking, and managing various documents and reports. For smaller broadcasters, particularly those in rural or underserved areas, these costs can be disproportionately high compared to the benefits derived from the file. Moreover, the FCC's OPIF interface is notoriously unstable. Station personnel can literally spend hours uploading documents which suddenly "disappear," and the uploading process must be repeated. The OPIF interface often is nonfunctional on filing deadline dates.

The public file is not an efficient or necessary regulatory requirement in today's digital age. Stations should no longer be required to maintain these relics of the past.

* * * *

TBN supports the Commission's efforts to alleviate unnecessary regulatory burdens on broadcasters and encourages the Commission to eliminate rules that impose excessive regulatory burdens on broadcasters while providing little or no countervailing benefit to the public, the government, or the broadcast industry.

Dated: April 11, 2025

Respectfully submitted,

TRINITY BROADCASTING NETWORK

By: /s/ *Nancy A. Ory*

Nancy A. Ory
F. Scott Pippin
Lerman Senter PLLC
2001 L Street, NW, Suite 400
Washington, DC 20036
(202) 416-6791
nory@lermansenter.com
Its Attorneys